



## INTERIOR BOARD OF INDIAN APPEALS

Gail Jeanotte Traversie v. Turtle Mountain Superintendent,  
Bureau of Indian Affairs

16 IBIA 189 (07/26/1988)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

GAIL JEANOTTE TRAVERSIE,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 88-34-A
SUPERINTENDENT, TURTLE	:	
MOUNTAIN AGENCY, BUREAU OF :	:	
INDIAN AFFAIRS,	:	
Appellee	:	July 26, 1988

On July 22, 1988, the Board of Indian Appeals received a letter from Gail Jeanotte Traversie, through her representative, R. D. Drapeaux, Aberdeen, South Dakota, requesting the Board to assume jurisdiction over an appeal she has filed with the Bureau of Indian Affairs (BIA). Appellant appealed from an April 18, 1988, decision of the Superintendent, Turtle Mountain Agency, BIA, reducing her degree of Indian blood from 1/2 to 3/8. Appellant states that she appealed the decision under both 25 CFR Part 62 and 25 CFR Part 2. She further states that her appeal has been pending in the Washington, D.C., office of BIA for more than 30 days after it was ripe for decision and that no decision has been rendered. She therefore asks the Board to assure jurisdiction over her appeal pursuant to 25 CFR 2.19. 1/

The Board's jurisdiction is limited by regulation. 43 CFR 4.330(b)(1) prohibits the Board from adjudicating tribal enrollment disputes absent a special delegation or request from the Secretary or Assistant Secretary--Indian Affairs. 43 CFR 4.331 precludes appeals to the Board where a different appeal procedure is provided by law or regulation. 25 CFR Part 62 sets out a specific procedure for enrollment appeals, including appeals from decisions of BIA officials changing an individual's degree of Indian blood. 25 CFR 62.4(a)(5). This procedure does not include appeals to the Board. Accordingly, the Board lacks jurisdiction over this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

1/ 25 CFR 2.19 provides in relevant part:

“(a) Within 30 days after all time for pleadings (including extension granted) has expired, the Commissioner of Indian Affairs [or BIA official exercising the administrative review authority of the Commissioner] shall:

“(1) Render a written decision on the appeal, or

“(2) Refer the appeal to the Board of Indian Appeals for decision.

“(b) If no action is taken by the Commissioner within the 30-day time limit, the Board of Indian Appeals shall review and render the final decision.”